

Filed 2/16/05

CERTIFIED FOR PUBLICATION  
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

In re ISIDRO FERNANDEZ DeLUNA,  
on Habeas Corpus.

H027086  
(Santa Clara County  
Super.Ct.No. 101994)

**ORDER MODIFYING OPINION**

**NO CHANGE IN THE JUDGMENT**

It is hereby ordered that the opinion filed herein on February 4, 2005, be modified as follows:

On page 10, replace the third full paragraph beginning with “Defendant’s postcommitment institutional . . . .” with the following paragraph.

Defendant’s postcommitment institutional behavior is relevant to his suitability for parole. (§ 2402, subd. (d)(9).) “[S]erious misconduct in prison” is a negative factor. (§ 2402, subd. (c)(6).)

There is no change in the judgment.

Dated:

\_\_\_\_\_  
Walsh, J.\*

\_\_\_\_\_  
Premo, Acting P.J.

\_\_\_\_\_  
Bamattre-Manoukian, J.

\_\_\_\_\_  
\* Judge of the Santa Clara County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.